

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON , D.C.

IN THE MATTER OF : DOCKET NO. 96-45
LIFELINE AND LINK-UP :

COMMENTS OF THE PENNSYLVANIA UTILITY LAW PROJECT

The Pennsylvania Public Utility Law Project, 118 Locust St., Harrisburg, PA 17101, on behalf of the low-income consumers it represents, offers these Comments with respect to the Recommended Decision of the Federal-State Joint Board on Universal Service in the above-captioned docket:

I. Introduction

The Pennsylvania Utility Law Project ("PULP"), a specialized project of the Commonwealth of Pennsylvania legal services statewide network, represents and supports the interests of the low-income consumers of Pennsylvania in utility and energy matters.

PULP is recognized as one of the leading advocates in Pennsylvania on behalf of the interests of the low-income utility consumer. At present, the director of PULP serves as Chairman of a number of state-wide advisory groups such as The Low Income Home Energy Assistance Program (LIHEAP) Advisory Committee to the Secretary of the Pennsylvania Department of Public Welfare, The Pennsylvania Public Utilities Commission Consumer Advisory Council, The Pennsylvania Energy Assistance and Weatherization Coalition, and the Pennsylvania Legal Services Utility and Energy Law Work Group. He also currently sits as a member of the Weatherization and Energy Conservation Policy Advisory Council to the Pennsylvania Department of Community and Economic Development and on the Council for Utility Choice.

II. Paragraph 15

The April 2, 2003 Joint-Board's Recommended Decision (hereafter referred to as "the Recommended Decision") Paragraph 15 recommends that "the Commission add an income-based standard to the current default federal eligibility criteria." PULP strongly concurs.

First, As a practical matter, the lack of an income based default mechanism may lead to the unexpected and undesirable result of actually reducing the potentially eligible Lifeline participant population. Pennsylvania provides such an example. In 1999, as part of the "Global Order" concerning telecommunications, the Pennsylvania Public Utility Commission attempted to expand the potential Lifeline eligible population by increasing the income eligibility criteria from 100% to to 150% of the Federal Poverty Level Income Guidelines. However, the result- the promulgation of a standard which required the default criteria (participation in categorically designated programs) and the new 150% income level- actually acted to limit the increase in potential participation. In Pennsylvania, potential participants now have to satisfy both income and program participation criteria. This double verification standard reduces the potentially eligible population and is cumbersome for both the company and the participant, therefore acting as a deterrent to higher levels of participation.

Second, demographics show that participation in the categorically enumerated programs is decreasing. The national goal of encouraging an individual to move "from welfare to work" is creating a new working poor group which no longer qualifies for Lifeline assistance but still requires it. An income-based default eligibility standard would maintain the Lifeline participation rates and make the discount available to an appropriately designated group, the working poor.

II. Paragraph 38

In Paragraph 38, the joint Board recommends that the Commission encourage all states to adopt automatic enrollment. PULP strongly concurs.

Automatic enrollment of targeted low-income consumers is an available cost effective mechanism which ensures that the benefits of Lifeline reach the consumers who need it the most. Each of the categorically designated programs already formally certify income in a uniform method for all applicants. To require this income certification to happen twice is redundant and an unnecessary waste of the time and money of both the applicant and the company.

It is presently an adopted protocol to accept a single application and perform one verification for a variety of programs intended to benefit the low-income. This "one-stop shopping" approach has proven itself to be efficient and reliable. It provides a mechanism of delivering a "holistic" approach to an impoverished individual. The benefits of one program alone may not permit an individual to attain self-sufficiency but the combination of several programs creates a much greater impact on an individual's chance to achieve success. Automatic enrollment into Lifeline through participation in a designated program achieves this goal.

In some instances, automatic enrollment is the only truly effective approach to increasing Lifeline enrollment. The barriers to participation which exist without automatic enrollment are daunting: lack of knowledge about the program, suspicion of telecommunications companies, marketing enrollment-solicitation-saturation, language barriers, time, transportation and personal inertia are all factors which reduce the numbers of people who will initiate an application for one more program.

III. Paragraph 34

Paragraph 34 recommends that consumers eligible for Lifeline and Link-Up based upon income-based criteria be required to present support documentation of income eligibility prior to enrollment. In addition, the Joint Board recommended that states be given the flexibility to determine the certification procedures. PULP does not support this recommendation in its present form. First, PULP strongly supports a self-certification process. This is a less cumbersome and more efficient alternative to individual presentation of documentary information prior to enrollment.

However, in the alternative, PULP encourages the Commission to make clear in its Order that certification procedures may be accomplished through the submission of previously verified information by a government or non-profit agency which has already conducted a formal eligibility determination. Although not as effective as self-certification, this would be a more cost and time effective approach than individual pre-submission of income documentation. The benefits of such an approach have previously been stated in the comments to paragraph 38 *supra* and those comments are incorporated herein.

In conclusion, the Pennsylvania Utility Law Project appreciates the opportunity to present these comments for Commission consideration and respectfully submits them by:

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